## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:02-CV-70-DCK

SPIROFLOW SYSTEMS, INC.	)	
	)	
Plaintiff,	)	
	)	
V.	)	<b>ORDER</b>
	)	
FLEXICON CORPORATION,	)	
	)	
Defendant.	)	
	)	

THIS MATTER IS BEFORE THE COURT on "Defendant's Motion For Attorneys' Fees Pursuant To Rule 54(D)(2) And 35 U.S.C. § 285" (Document No.83) and "...Memorandum Of Law In Support..." (Document No. 84) filed September 10, 2007; "Plaintiff's Response To Defendant's Motion For Attorneys' Fees" (Document No. 92) filed October 11, 2007; and "Defendant's Reply In Support Of Its Motion For Attorneys' Fees Pursuant To Rule 54(D)(2) and 35 U.S.C. § 285" (Document No. 95) filed October 22, 2007. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and this motion is ripe for disposition.

Having carefully considered the motion, the record, and applicable authority, the undersigned will <u>stay</u> Defendant's motion and defer issuing an order in this matter until after a determination by the United States Court of Appeals for the Federal Circuit on the pending appeal.

IT IS, THEREFORE, ORDERED that "Defendant's Motion For Attorneys' Fees Pursuant To Rule 54(D)(2) And 35 U.S.C. § 285" (Document No.83) is **STAYED** pending a decision on the matters on appeal to the United States Court of Appeals for the Federal Circuit.

**IT IS FURTHER ORDERED** that the parties shall jointly file a status report within fourteen (14) days of the Federal Circuit's decision in this case.

## SO ORDERED.

Signed: October 30, 2007

David C. Keesler United States Magistrate Judge